

REMARKS

No claims have been amended or canceled. Thus, claims 1, 4-19, 21-25, 35-39 and 41-42 remain pending. Applicant respectfully traverses the Office's rejections and, in view of the following remarks, respectfully requests that the Office issue a Notice of Allowance.

§ 103 REJECTIONS

Claims 1, 4-7, 9, 16-21, 35-39 and 41-42 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over U.S. Patent Pub. No. 2004/0148327 to Satomi et al. (hereinafter, "Satomi") in view of U.S. Patent Pub. No. 2004/0088412 to John et al. (hereinafter, "John") in further view of U.S. Patent Pub. No. 2005/0038906 to Banes et al. (hereinafter, "Banes").

Claims 8, 10-15 and 22-25 stand rejected under 35 U.S.C. § 103(a) as allegedly being obvious over Satomi in view of Banes.

Applicant respectfully traverses the rejections. Specifically, Applicant respectfully requests that the Office withdraw all pending rejections, as Banes does not constitute prior art for 35 U.S.C. §103 purposes. The basis for this reasoning is 35 U.S.C. §103(c), which was amended effective Nov. 29, 1999 (Public Law 106-113) and states that:

Subject matter developed by another person, which qualifies as prior art only under one or more of sub-sections (e), (f), and (g) of section 102 of this title, shall not preclude patentability under this section where the subject matter and the claimed invention were, at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person.

Applicant's current application was filed on October 30, 2003. Banes, meanwhile, was filed on August 13, 2003, but did not publish until February 17, 2005—after the filing date of the current application. Therefore, Banes could only potentially qualify as prior art under 35 U.S.C. § 102(e).

Furthermore, Banes and the current application were “at the time the invention was made, owned by the same person or subject to an obligation of assignment to the same person,” namely Microsoft Corporation. 35 U.S.C. §103(c), (2004). This common assignor, coupled with the reference's § 102(e) classification, places Banes within the authority of 35 U.S.C. § 103(c). Accordingly, Applicant respectfully submits that Banes does not qualify as prior art for 35 U.S.C. § 103(a) purposes and, as such, Applicant respectfully requests that the Office withdraw the § 103(a) rejections of all pending claims.

CONCLUSION

For at least the foregoing reasons, all pending claims are in condition for allowance. Applicant respectfully requests reconsideration and withdrawal of the rejections and an early notice of allowance. If any issue remains unresolved that would prevent allowance of this case, Applicant respectfully requests that the Office contact the undersigned attorney to resolve the issue.

Respectfully Submitted,

Lee & Hayes, PLLC
601 W. Riverside Avenue, Suite 1400
Spokane, WA 99201

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/Robert G. Hartman 58,970/

Robert G. Hartman
Reg. No. 58,970
(509) 944-4765